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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RICKY W. JAMES,

Plaintiff,

v.

J. WILBER, et al.,

Defendants.

CASE NO. 1:08-cv-00351-SKO PC

ORDER SETTING EVIDENTIARY HEARING  
ON ORDER TO SHOW CAUSE

(Doc. 121)

Date: May 29, 2013  
Time: 10:00 a.m.  
Courtroom: 7 (SKO)

Plaintiff Ricky W. James, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on March 12, 2008. This action for damages is proceeding on Plaintiff’s Eighth Amendment claim against Defendant Saenz arising out of the denial of medical care at California State Prison-Corcoran in June and July 2006.

On January 9, 2013, the Court issued an order requiring Plaintiff to show cause within thirty days why sanctions should not be imposed against him for making false statements regarding what inmate witnesses James Cardinel and Jimmy Reed heard and saw in June and/or July 2006. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-45, 111 S.Ct. 2123 (1991); *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 767, 100 S.Ct. 2455 (1980). Defendant was given fifteen days within which to file a reply. The parties were informed that following receipt of the response and reply, the Court would determine whether it is necessary to hold a hearing on the order to show cause.

Plaintiff filed a response to the order on January 25, 2013, and Defendant filed a reply on February 11, 2013. Following a review of the parties’ briefs, it is necessary for the Court to set a hearing on the order to show cause given that resolution of the issues requires, in part, an assessment

1 of witness credibility. By separate order issued at the appropriate juncture, the Court will direct the  
2 transportation of Plaintiff, James Cardinel, and Jimmy Reed for the hearing. Defendant's counsel  
3 shall appear in person for the hearing and shall provide the Court and Plaintiff with a list of  
4 witnesses and exhibits on or before May 15, 2013.

5 Accordingly, it is HEREBY ORDERED that:

- 6 1. The order to show cause, filed on January 9, 2013, is set for an evidentiary hearing  
7 on May 29, 2013, at 10:00 a.m. before the undersigned in Courtroom 7;
- 8 2. By separate order at the appropriate juncture, the Court will order the transportation  
9 of Plaintiff, James Cardinel, and Jimmy Reed for the evidentiary hearing; and
- 10 3. Defendant's counsel shall file a list of witnesses and exhibits on or before May 15,  
11 2013.

12  
13 IT IS SO ORDERED.

14 **Dated:** April 4, 2013

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE